

APPLICATION REFERRED FROM THE WEEKLY LIST

WEEKLY LIST NO. 1586 – 20 August 2021

21/00161/FUL

7 HILLSIDE AVENUE, HAWKWELL, SS5 4NN

**DEMOLITION OF EXISTING DWELLING AND
CONSTRUCTION OF 2 NO. DETACHED FOUR
BEDROOMED HOUSES WITH ASSOCIATED EXTERNAL
WORKS AND AMENITY.**

1 DETAILS OF REFERRAL

- 1.1 This item was referred from Weekly List No. 1586 requiring notification to the Corporate Services Officers by 1.00pm on Wednesday, 25 August 2021 with any applications being referred to the meeting of the Committee.
- 1.2 Cllr Mrs C M Mason referred this item on the grounds that the site location is at least 13 minutes away from a local parade, and some 25 minutes away from Hockley Town Centre and the mainline station, together with the site being located on the verge of Hawkwell merging with Hockley. Furthermore, there is difficult terrain (gradient) favouring more parking dependency. This, take with the amount of parking pressure on the street, gives cause for concern.
- 1.3 The item that was referred is attached at Appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at Appendix 2.

2 RECOMMENDATION

- 2.1 To determine the application, having considered all the evidence

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Application No :	21/00161/FUL Zoning : No Allocation
Case Officer	Ms Katie Ellis
Parish :	Hawkwell Parish Council
Ward :	Hawkwell West
Location :	7 Hillside Avenue Hawkwell SS5 4NN
Proposal :	Demolition of existing dwelling and construction of 2 no. detached four bedroomed houses with associated external works and amenity.

SITE AND PROPOSAL

1. The application site is located on the eastern side of Hillside Avenue, a crescent shaped road reached via Hawkwell Chase, off Main Road which passes through Hawkwell.
2. The character and appearance of the street scene is mixed in terms of design, size and scale of buildings. The application site contains a reasonably wide bungalow with a rear dormer window. The application site is between a wide detached house to the north and a more modest semi-detached bungalow of similar design to No.7 Hillside Avenue, and with a single-storey rear extension. No.7 and No.9 Hillside Avenue are separated by an access drive and a respective single, pitched-roofed garage. Opposite are detached bungalows. In the wider area the mix of single- and two-storey dwellings continues. The application site has a frontage width of approximately 18 metres, and depth between approximately 42.2m and 45.6m (the site area is given as 770 sq.m on the application form; 0.077 hectares). The front is mostly laid to hardstanding comprising parking spaces and the rear garden is mostly laid to lawn.
3. Planning permission is being sought to demolish the existing dwelling and erect a pair of detached, two storey dwellings and lay out car parking and landscaping to the front. New vehicular crossovers would be created onto Hillside Avenue to serve the dwellings. Each dwelling would have an external depth of approximately 15m at its deepest point, and width of approximately 7m. Approximate heights would be 5m to eaves, 8m to the main ridge and 7m to the ridge of the front wing. Materials would be red face brickwork at ground floor with upper walls in white painted render, with grey plain roof tiles.

RELEVANT PLANNING HISTORY

Application No. 05/01000/FUL – REFUSED - Addition of First Floor to Create 4 - Bed House from Existing Bungalow.

Application No. 06/00478/FUL – REFUSED - Addition of First Floor to Create 4 - Bed House from Existing Bungalow.

Application No. 06/00838/FUL – APPROVED - Addition of First Floor to Create 4 - Bed House from Existing Bungalow.

MATERIAL PLANNING CONSIDERATIONS

4. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990) and paragraph 47 of the National Planning Policy Framework (NPPF) which requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).
5. Paragraph 71 of the National Planning Policy Framework (NPPF) encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting (including residential gardens). Additionally, the NPPF sets out the requirement that housing applications should be considered in the context of the presumption of sustainable development and at paragraph 126, the NPPF asserts good design is a key aspect of sustainable development and is indivisible from good planning and proposals should contribute positively to making places better for people.
6. The application site is located within the residential envelope of Hawkwell, and more efficient use of land for housing provision is acceptable in principle; however, consideration must be given to whether the proposed infill development is appropriate in terms of scale, character and other considerations.
7. Policy H1 of the Core Strategy confirms that, the Council will prioritise the reuse of previously developed land. Additionally, in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas, but that limited infilling will be considered acceptable,

and will continue to contribute towards the housing supply. However, this is subject to the requirement that it relates well to the existing street pattern, density and character of the locality.

8. The NPPF at paragraphs 130 and 134 also advises that planning decisions for proposed housing development should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and requires that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions; this is also emphasised by Core Strategy Policy CP1.
9. Policy CP1 of the Core Strategy and Policy DM1 of the Development Management Plan both seek to promote high quality design in new developments that would promote the character of the locality. Amongst other criteria, Policy DM3 of the Development Management Plan seeks demonstration that residential intensification positively addresses the existing street pattern and density of the locality, and whether the number and types of dwellings proposed are appropriate having regard to existing character.
10. In terms of housing need, the Council have an up to date 5-year housing land supply, however additional windfall sites such as this would add to housing provision in the district.
11. The development is one that proposes re-development of the site for an intensified residential purpose. National and local policies encourage the effective use of land. Whilst the principle of developing the site for a residential purpose is not objected to at this site, the main issues for consideration relate to the acceptability of the development as an infill development including issues of scale and impact on character, as well as impacts on residential amenity; these and other issues are explored below.

Impact on Character

12. Policy CP1 of the Core Strategy and policies DM1 and DM3 of the Development Management Plan are applicable to the consideration of design. These coupled with the NPPF aim to ensure good design, taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused.

13. The application site is currently occupied by a detached, bungalow that has an elongated emphasis fronting Hillside Avenue. This part of Hillside Avenue consists of an eclectic mix of architectural styles. In considering the mixed character and appearance of the surrounding area, with significant variations in height, scale and design, there are no requirements in this location to follow distinctly on design.
14. The proposed dwellings would follow the existing building line along this part of Hillside Avenue. The positioning of the proposed dwellings is not objected to, in principle, the proposed dwellings, by virtue of their siting would not be harmful to the character and appearance of the street.
15. The proposed layout would achieve a 1m separation distance between the dwellings and a plot width of at least 9m per dwelling. This would be somewhat less than the 9.25m per detached dwelling required by the Council's Supplementary Planning Document 2 – Housing Design. The guidance also requires a 2m distance between the proposed dwellings. The proposed dwellings would only achieve a gap between them of 1.17m and not be able to achieve a 2m separation distance between the dwellings proposed nor would the layout of the site be able to achieve the minimum 9.25m plot width per dwelling. The proposal would be contrary to the Council's Supplementary Planning Document 2 – Housing Design.
16. The scale and bulk of the proposed dwellings would be situated on plots that are tightly knit and are substantially smaller than the adjoining plots within Hillside Avenue. The proposed layout and setting would not have a good relationship with the surrounding area, with the lack of separation between the proposed dwellings and the lack of plot width resulting in a tightly packed development at odds with the more spacious character of the locality. In this context, the development as proposed would result in an incongruous and cramped form of development out of character with and detrimental to the character and appearance of the site and the surrounding area. The scale, bulk and layout of the dwellings proposed would not successfully reference the prevailing character of the area appearing out of keeping, to the detriment of the surrounding streetscene, contrary to Policy CP1 of the Core Strategy, policies DM1 and DM3 of the Development Management Plan and the NPPF.

Impact on Residential Amenity

17. Paragraph 130 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings. Policy DM3 also requires an assessment of the proposal's impact on residential amenity.

18. The application site is adjoined by five neighbouring properties. To the north is No.5 Hillside Avenue, to the east (rear) are No's. 23, 25 and 27 Bosworth Close and to the south is No.9 Hillside Avenue.
19. The main bulk of the dwellings would sit a minimum of 3.3 metres from the neighbouring dwelling to the north (No.5) and 8.5m from the neighbouring dwelling to the south (No.9). To the rear, the dwellings would feature two storey, gabled roofed projections and a single storey flat roofed projection that have been designed to mitigate from having an overbearing impact from the adjacent neighbouring dwellings. Due to the articulated design of the dwellings and the resulting considerable degree of separation with garden depths to the proposed dwellings of some 20m and the depth of those gardens to the properties backing on to the site in Bosworth Close exceeding the required distance back to back of at least 25m, it is not considered that the proposed development would cause any significant issues with regards to loss of light or privacy to these neighbouring occupiers or that it would have an overbearing impact.
20. Windows would exist at first floor level in the northern and southern flank elevations. These windows would serve bathrooms and stairwell/landing areas which are deemed as a non-habitable rooms. It is considered that, the internal layout, the siting of windows, and the positions of buildings would ensure that no material loss of privacy would arise for neighbouring residents.
21. The Council's 45 Degree test is respected in relation to the proposed Sdepth of siting in relation to the neighbouring properties either side and accordingly the development will not give rise to significant overshadowing.
22. The development would not therefore give rise to material overlooking or overshadowing of neighbouring properties, nor would it over dominate the outlook enjoyed by neighbouring occupiers given the good separation distances maintained between properties. The proposal is compliant with policies DM1 and DM3 of the Development Management Plan.

Living conditions for future occupiers

Garden Sizes

23. Policy DM3 of the Development Management Plan requires the provision of adequate and usable private amenity space. In addition, the Council's adopted Housing Design SPD advises a suitable garden size of for each type of dwellinghouse. Paragraph 130 criterion (f) of the NPPF seeks the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

24. Supplementary Planning Document 2 requires a minimum 100m² garden area for all new dwellings except one and two bedroom dwellings, a minimum private garden area of 50 m² will be required. The proposed development would provide two, four-bed detached dwellings. Both of the properties would be provided with rear private amenity spaces of 185m² and 188m² and in excess of required 100m² which would satisfy the outdoor amenity space requirements as set out in SPD2.

Impact on Highway Safety

25. Policies DM1 and DM3 of the Development Management Plan require sufficient car parking whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
26. The Parking Standards Design and Good Practice guide (2010) states that for dwellings with two-bedrooms, two off-street car parking spaces are required with dimensions of 5.5m x 2.9m. Garage spaces should measure 7m x 3m to be considered usable spaces.
27. In accordance with paragraph 111 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
28. The site plan shows two proposed vehicular accesses onto Hillside Avenue. Two car parking spaces measuring to the preferred bay size as stipulated in the Parking Standards would be provided per dwelling.
29. No visitor parking is proposed but on a small developments, this is normally acceptable if adequate parking is otherwise provided per unit.
30. It is not considered that the proposed development would be to the detriment of highway safety, or the free flow of traffic and it is therefore considered to comply with the Parking Standards and policies DM1 and DM30 of the Development Management Plan and the NPPF.

Sustainability issues

31. The Ministerial Statement of the 25th of March 2015 announced changes to the government's policy relating to technical housing standards. The changes sought to rationalise the many differing existing standards into a simpler,

streamlined system and introduce new additional optional Building Regulations on water and access, and a new national space standard.

32. Rochford District Council has existing policies relating to all of the above, namely access (Policy H6 of the Core Strategy), internal space (Policy DM4 of the Development Management Plan) and water efficiency (Policy ENV9 of the Core Strategy) and can therefore require compliance with the new national technical standards, as advised by the Ministerial Statement.
33. Until such a time as existing Policy DM4 is revised, this policy must be applied in light of the Ministerial Statement. All new dwellings are therefore required to comply with the new national space standard as set out in the DCLG Technical housing standards - nationally described space standard March 2015. A four-bedroom, 7-person dwelling over two storeys would require a minimum Gross Internal Area of 115 square metres with 3 square metres of built-in storage. Each proposed dwelling would have approximately 180 square metres of Gross Internal Area including built-in storage. The proposed dwellings would meet Policy DM4 considered in light of the nationally described space standard.
34. Until such a time as existing Policy ENV9 is revised, this policy must be applied in light of the Ministerial Statement (2015) which introduced a new technical housing standard relating to water efficiency. Consequently, all new dwellings are required to comply with the national water efficiency standard as set out in part G of the Building Regulations (2010) as amended. A condition is recommended to ensure compliance with this Building Regulation requirement.
35. In light of the Ministerial Statement which advises that planning permissions should not be granted subject to any technical housing standards other than those relating to internal space, water efficiency and access, the requirement in Policy ENV9 that a specific Code for Sustainable Homes level be achieved and the requirement in Policy H6 that the Lifetime Homes standard be met are now no longer sought.

Trees and On-Site Ecological Considerations

36. Policy DM25 of the Development Management Plan seeks to protect existing trees particularly those with high amenity value. There is a tree and shrubs situated to the eastern and southern boundaries of the site. Some of the tree and shrubs would have either been removed or pruned. The trees are not protected and whilst they offer some visual amenity within the site, are not considered to be of any significance and therefore, the works to the trees are considered acceptable.

Ecology

37. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures.
38. The development for an additional dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance, a Mitigation Strategy (RAMs) Habitat Regulations Assessment (HRA) record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European Site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 – the significant test

Is the development within the zone of influence (Zoi) for the Essex Coast RAMS?

- Yes

Does the planning application fall within the following development types?

- Yes. The proposal is for two dwellings

Proceed to HRA Stage 2: Appropriate Assessment - Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)?

- No

Is the proposal within or directly adjacent to one of the above European designated sites?

- No

39. As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMs requirements. Provided

this mitigation is secured, it can be concluded that this planning application would not have an adverse effect on the integrity of the above European sites from recreational disturbances, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.

40. As competent authority, the local planning authority concludes that the proposal is within the scope of the Essex Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated sites through increased recreational pressure, when considered either alone or in combination. It is considered that mitigation would, in the form of a financial contribution, be necessary in this case. The required financial contribution of £127.30 per dwelling (total £254.60) has not been paid to the Local Planning Authority.

CONCLUSION

Refuse.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Hawkwell Parish Council:

First Response

No objection.

Second Response

My Council wishes to submit an amended response to the planning application below (previous response submitted on 19th May 2021).

My Council objects to this application on the grounds that the parking amenity space allocated per plot of two car parking spaces does not comply with the District Council's policy, which is the provision of three car parking spaces for dwellings of this size. As the proposed dwellings are situated on a fairly narrow cul-de-sac where on-street parking is limited, there is a genuine concern that these dwellings would each need to have at least three parking spaces; especially as there are no garages proposed in the application. In addition, the lamppost and telegraph poles situated along the frontage of the existing bungalow may restrict the entrances to the proposed dwellings, resulting in the two proposed parking spaces per dwelling not being easily accessible.

RDC Arboricultural Officer:

A tree impact assessment prepared by Hayden's Arb Consultants is provided with the application. The assessment is in accordance with BS 5837 2012.

The assessment identifies suitable location for temporary tree protection (barrier and ground) and further special construction techniques (no-dig) for tree T13. The method statements provided for this are considered suitable for the long term retention and protection of the trees during the development phase.

The tree works specification is considered acceptable for access purposes.

A condition should be applied to ensure the tree works, tree protection and further method statements are implemented as part of the development phase.

Essex County Council Highway Authority:

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes the demolition of the existing dwelling, subdivision of the site and creation two new dwellings. Alterations to the existing access and a new vehicle access are included and each dwelling is provided with a two off-street parking spaces. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Neighbour representations:

7 responses have been received from the following addresses:

Hillside Avenue: 5, 9 (x2), 11a (x2), 12.

Bosworth Close: 25.

And which in the main make the following comments and objections:

- Siting of two dwellings on a small plot, on a bend in the road dangerous;
- Construction traffic, nuisance and noise;
- Loss of privacy;
- Loss of light;
- Light pollution;
- Insufficient car parking;
- Impact on highway safety and car parking along Hillside Avenue;
- Roof form, details and finishing out of character;
- Plot too narrow to accommodate two dwellings;

- Loss of a bungalow;
- Over-development of the site;
- Appearance is out of character;
- Details of foul water drainage lacking;
- Overlooking;
- A condition required to restrict the dwellings from being converted into flats;

Response from the agent, Front Architecture:

Mr & Mrs Cave



Concern - Driveway next door in constant use.

Response – While construction operations do not form part of the decision-making process under the town and country planning act, Reddan Contractors will be considerate of their surroundings during construction and will not block driveways. Reddan have numerous accreditations relating to health and safety including SAFE contractor, Construction Online, CHAS, Contractor Plus and Safe4Site. A competent site manager will oversee site operations and will be able to address any specific concerns during construction.

P & D Techner

Concern – Builders' Lorries on a quiet road.

Response – While construction operations do not form part of the decision-making process under the town and country planning act, Reddan Contractors will be considerate of their surroundings during construction. A competent site manager will oversee site operations and will be able to address any specific concerns.

Keith Hatfield

Concerns & Responses:

1 – Parking Requirements.

R – The proximity to local amenities and transport links enables consideration of a reduction in parking provision under planning policy. A similar approved scheme provides precedent for this (see our design & access statement, p.6). Essex Highways are consulted on all applications of this type and will consider road use and safety.

2 – Grey Roof Tiles.

R – *There are several different roof types nearby including red clay plain tiles, brown profiled concrete tiles (the most common) and grey concrete tiles as well. We believe a grey plain tile will complement the intended contemporary palette; however a red clay plain tile would be an acceptable finish from a design perspective and are willing to amend this as a compromise.*

3 – Roof Ridge Height.

R – *The roof ridge sits between the level of the two neighbouring properties and is considered to be a reasonable response to the streetscene.*

4 – Foul Drainage (N/A)

5 – Overlooking.

R – The design takes all reasonable steps to avoid overlooking.

6 – Preventing conversion to flats (N/A)

7 – Minimising dust & noise during construction (N/A)

Mr & Mrs Watson

Concerns & Responses:

1 – Parking Requirements.

R – *The proximity to local amenities and transport links enables consideration of a reduction in parking provision under planning policy. A similar approved scheme provides precedent for this (see our design & access statement, p.6). Essex Highways are consulted on all applications of this type and will consider road use and safety.*

2 – Grey Roof Tiles.

R – *There are several different roof types nearby including red clay plain tiles, brown profiled concrete tiles (the most common) and grey concrete tiles as well. We believe a grey plain tile will complement the intended contemporary palette, however a red clay plain tile would be an acceptable finish from a design perspective and are willing to amend this as a compromise.*

3 – Site Width.

R – *Rochford Council provides guidance on the minimum width required to divide a single plot into two properties, which is set at 15m. At 18m the proposed scheme exceeds this by 3m.*

4 – Builders' Lorries on a quiet road.

Response – *While construction operations do not form part of the decision making process under the town and country planning act, Reddan Contractors will be considerate of their surroundings during construction. A competent site manager will oversee site operations and will be able to address any specific concerns.*

Steve & Kim Trennery

Concern – Neighbouring Window

Response – *The window described is a ground floor side window to the living room at the front of the neighbouring property. This is a secondary window and therefore does not materially impact daylight to the room. However, the proposed new building is positioned no further forward than the existing building, and is furthermore 1m further away from the window in question than the existing building. The utility room door as proposed is much further back along the side access pathway than the living room window so would not overlook. A new 1.8m high timber fence will be installed along the boundary to mitigate overlooking between the two pathways.*

Concern – Parking Requirements.

Response – *The proximity to local amenities and transport links enables consideration of a reduction in parking provision under planning policy. A similar approved scheme provides precedent for this (see our design & access statement, p.6). Essex Highways are consulted on all applications of this type and will consider road use and safety.*

Debbie Hayward

Concern – Back-to-back distance

R – *The back-to-back distance to the properties on Bosworth Close is between 38-42m, which is far in excess of standard planning policy.*

Concern – Parking

R – *The proximity to local amenities and transport links enables consideration of a reduction in parking provision under planning policy. A similar approved scheme provides precedent for this (see our design & access statement, p.6). Essex Highways are consulted on all applications of this type and will consider road use and safety*

Relevant Development Plan Policies:

National Planning Policy Framework 2021

Core Strategy Adopted Version (December 2011)

Development Management Plan (December 2014)

Parking Standards: Design and Good Practice Supplementary Planning Document (December 2010)

Supplementary Planning Document 2 (January 2007) – Housing Design

The Essex Design Guide (2018)



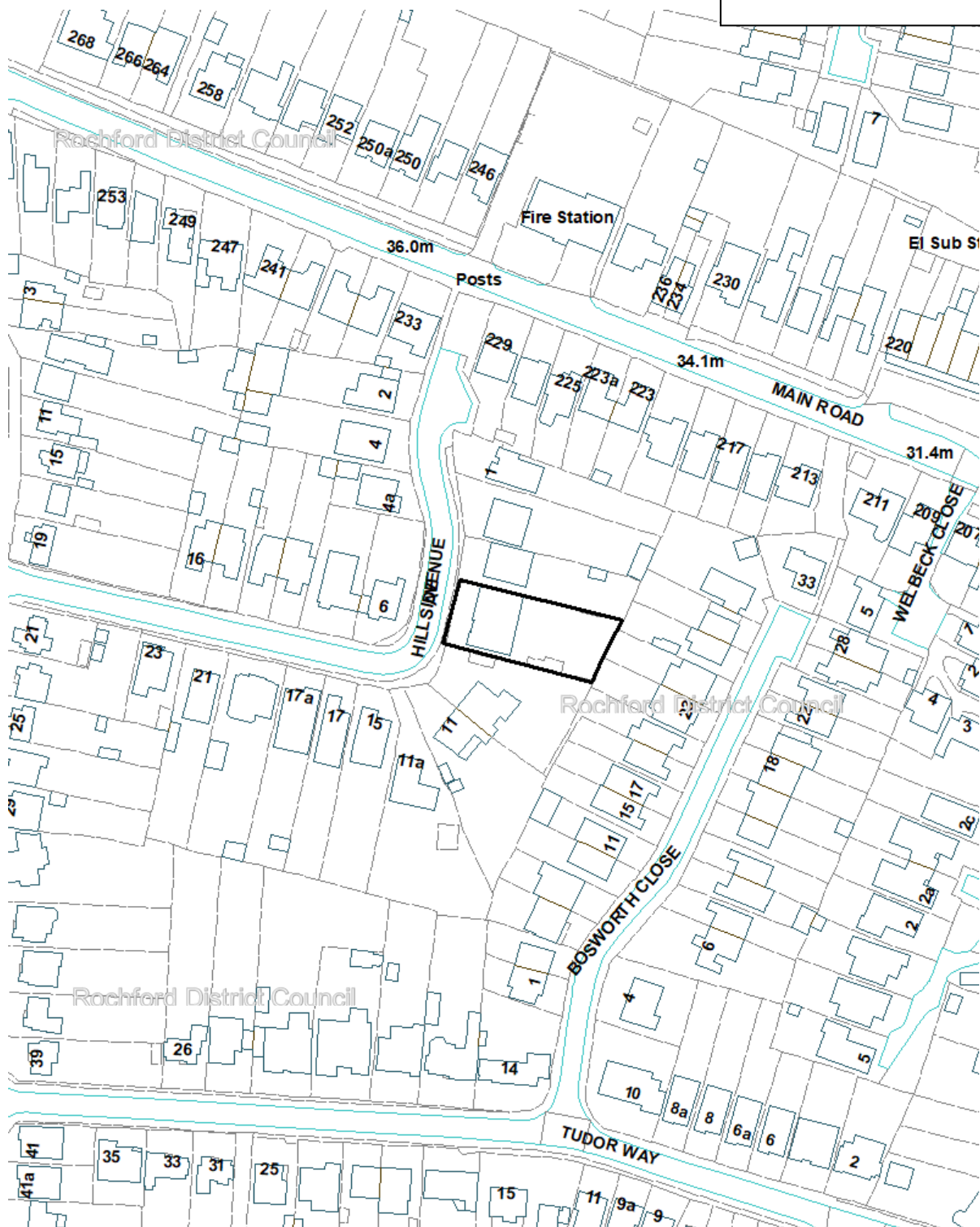
RECOMMENDATION: REFUSE

1. The proposed development by virtue of its layout and setting would create building plots and dwellings which would not successfully reference the prevailing character of the area proving out of keeping with the more spacious established pattern of development and detrimental to the character and appearance of the site and the surrounding area. The proposal would therefore lack local flavour contrary to policy CP1 of the Council's adopted Core Strategy and fail to achieve a positive relationship with nearby dwellings contrary to policies DM1 and DM3 of the Council's adopted Development Management Plan and would fail to add to the overall quality of the area in conflict with paragraph 130 a) to the NPPF.
2. The application does not include a mechanism to secure suitable mitigation in the form of a standard contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMs) or otherwise. This means that the development could potentially have a significant adverse effect on the sensitive interest features of coastal European designated sites, through increased recreational pressure from future occupiers of the development and contrary to Policy ENV1 to the Council's adopted Core Strategy, the NPPF and Natural England Standing Advice relating to The Conservation of Habitat and Species Regulations 2017 (Habitat Regulations).

The local Ward Members for the above application are Cllr. Mrs T Carter, Cllr Mrs C Mason and Cllr Mrs J R Gooding.

Draft

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